

Reforming the Civil Service Hearing Process

The County of Los Angeles (County) is committed to maintaining a diverse and skilled workforce dedicated to serving its residents with courtesy, integrity and excellence. The great majority of its more than 100,000 employees meet these high standards.

The County's Civil Service Commission (Commission) is a Charter-mandated, quasi-judicial body comprised of appointed private citizens who act as the appellate body for major disciplinary actions, discharges, suspensions in excess of five days, and discrimination complaints filed by County employees within the civil service system or applicants for County employment. The Commission has jurisdiction over allegations of discrimination in discipline or hiring for the classified service of the County. The Commission's actions have a serious impact on the livelihood and interests of individual employees, and also ensure the County is accountable to its taxpayers and residents. Accordingly, decisions about the Commission's procedures, accountability systems, membership, and who takes responsibility for the actions of the County's employees, are critically important.

When an employee appeals a disciplinary action, the case is assigned to one of the Commission's Hearing Officers. The Hearing Officers make factual findings and hold

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evidentiary hearings. Parties to the proceedings have the opportunity to present, subpoena, and cross-examine witnesses. After holding hearings and considering all evidence, the Hearing Officers submit reports and recommendations for the Commission's decision. Hearing Officers' reports must include findings of fact, conclusions of law, and recommendations for discipline and discretionary matters.

In disciplinary matters, the County's Civil Service Rules place the burden of proof on the Department. Department Advocates, or in some instances outside counsel, represent the Department and are responsible for proving the Department's case by a preponderance of the evidence, and demonstrating why the imposed discipline was justified.

On March 15, 2016, the Board of Supervisors (Board) (MDA) directed the Executive Officer of the Board (Executive Officer) to examine the compensation rates for Commission's Hearing Officers. The Executive Officer's March 25, 2016 report indicated that the current Hearing Officer agreements will expire on July 25, 2016. As the Executive Officer prepares the next Master Agreement for Hearing Officer services, it is appropriate that the Board re-evaluate the fiscal, legal, and policy aspects of the Commission.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

1. Direct the Executive Officer and the Director of Human Resources, in consultation with County Counsel, to engage a consultant to review, analyze, and recommend, in writing, solutions to improve the overall County Civil Service Commission process. The review and analysis should include:
 - a. An evaluation of the appointment, qualifications, and training of the Civil Service Commissioners;
 - b. An evaluation of the selection, qualifications, and training of the Hearing Officers, including consideration of developing a panel or panels of subject matter expert Hearing Officers;

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- c. An evaluation of the duties, role, responsibilities, hiring, qualifications, and training of the Department Advocates;
 - d. An evaluation of the advantages and disadvantages of decentralized and centralized oversight of Department Advocates and a study of the feasibility of centralizing the Department Advocates within either the Department of Human Resources or County Counsel; and,
 - e. Input and recommendations received after consulting with all appropriate stakeholder groups.
- 2. Direct the Executive Officer and County Counsel to review the terms and conditions of future contracts, including the current Request for Statement of Qualifications, for Commission Hearing Officers, including consideration of qualifications and training.
 - 3. Direct County Counsel to study the feasibility of establishing a Civil Service Division within the Office of the County Counsel and identify departments and/or types of cases recommended for in-house representation.
 - 4. Direct the Executive Officer, the Director of Human Resources, County Counsel and the consultant to report back to the Board jointly and in writing within 90 days with their findings and recommendations.

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